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OUR FILE NO.

MCRVT-023C

## FACSIMILE COVER SHEET

Date: June 9, 2003

To: Commissioner for Patents  
Washington, D.C.

Facsimile: 703-305-3590

Re: U.S. Patent Application No. 09/758,832  
Applicant: Horton  
Title: Insitu Formable and Self-Forming Intravascular Flow Modifier (IFM), Catheter  
and IFM Assembly and Method for Deployment of Same

From: Robert D. Buyan

Total Number of Pages: 3 (including this form). Please notify us immediately if you have not received all pages.

Message:

### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence for Serial No. 09/758,832 is being facsimile transmitted to the Commissioner for Patents at (703) 305-3590 on June 9, 2003.

Name of person sending facsimile: Francine Sanders, Assistant to Robert D. Buyan

Signature: 

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#23  
Election  
S. Bryce  
6/12/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Horton )  
Application No.: 09/758,832 )  
Filed: January 11, 2001 )  
For: INSITU FORMABLE AND )  
SELF-FORMING INTRAVASCULAR )  
FLOW MODIFIER (IFM), CATHETER )  
AND IFM ASSEMBLY, AND )  
METHOD FOR DEPLOYMENT OF )  
SAME )

Art Unit: 3731

Examiner: Thaler, M.

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION DATED MAY 28, 2003**

Dear Sir:

Responsive to the Office Action dated May 28, 2003, Applicant provisionally elects Species B (i.e., system claims which recite an apparatus which emits an electrical discharge for releasing the claimed releasable connection), to which the claims of the application will be restricted if no generic claim is finally held to be allowable.

Applicant notes that the Examiner has correctly indicated that Claim 134 is presently generic. Applicant further points out that independent Claims 131 and 138, as well as the majority of the other dependent claims, are also generic as to what type of energy or apparatus is used to release the releasable connection. Accordingly, it is believed that these claims should also be deemed generic for purposes of this election requirement.

Claims 131-134 and 136-146 are presently believed to read on the provisionally elected species.

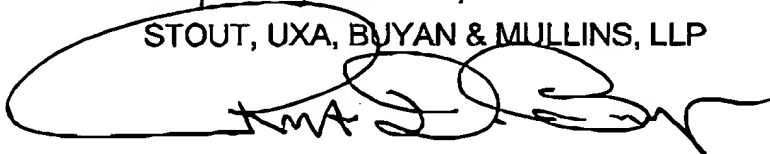
Applicant: Horton  
Serial No.: 09/758,832  
Filed: January 11, 2001  
Page 2 of 13

Applicant invites the Examiner to telephone Applicant's undersigned counsel to discuss any further measures that can be taken to expedite allowance of claims in this application.

Date: June 9, 2003

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP



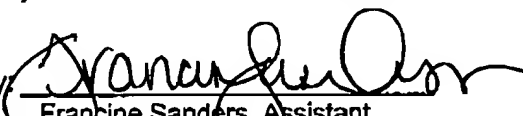
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**CERTIFICATE OF FACSIMILE FILING**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent Office at (703) 305-3590 on June 9, 2003.

Dated: June 9, 2003

By   
Francine Sanders, Assistant